

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
**STIPULATED ELECTION AGREEMENT**

**Starbucks Corporation**

**Case 12-RC-295000**

The parties **AGREE AS FOLLOWS:**

**1. PROCEDURAL MATTERS.** The parties waive their right to a hearing and agree that any notice of hearing previously issued in this matter is withdrawn, that the petition is amended to conform to this Agreement, and that the record of this case shall include this Agreement and be governed by the Board's Rules and Regulations.

**2. COMMERCE.** The Employer is engaged in commerce within the meaning of Section 2(6) and (7) of the National Labor Relations Act and a question affecting commerce has arisen concerning the representation of employees within the meaning of Section 9(c).

The Employer, Starbucks Corporation, a Washington corporation with headquarters located in Seattle, Washington, and facilities located throughout the United States, including a facility located at 400 Park Avenue, Winter Park, FL 32789 (Store #8343), is engaged in retail operation of restaurants. During the past twelve months, a representative period of time, the Employer derived gross revenues in excess of \$500,000 and purchased and received goods at its facilities in the State of Florida valued in excess of \$50,000 directly from points outside the State of Florida.

**3. LABOR ORGANIZATION.** The Petitioner is an organization in which employees participate, and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work and is a labor organization within the meaning of Section 2(5) of the Act.

**4. ELECTION.** A secret-ballot election under the Board's Rules and Regulations shall be held under the supervision of the Regional Director on the date and at the hours and places specified below.

**DATE:** Tuesday, June 14, 2022

**HOURS:** 10:00 a.m. to 12:00 p.m. and 3:00 p.m. to 5:00 p.m.

**LOCATION:** Seating area of the Employer's Store #8343,  
400 Park Avenue, Winter Park, Florida 32789

The election in this matter will be conducted in-person as long as doing so will not jeopardize public health. The Regional Director has and retains full and complete discretion to determine whether it is unsafe, for any reason, to conduct a manual election on the stipulated date. Further, if the Regional Director determines a manual election is unsafe, or if the election is postponed or cancelled for any other reason, the Regional Director has and retains sole and complete discretion to reschedule the date, time, location, and/or manner of the election, including converting the election to a mail ballot election, as he deems appropriate.

**5. UNIT AND ELIGIBLE VOTERS.** The following unit is appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act:

*KJD MBS*

**Included:** All full-time and regular part-time Baristas and Shift Supervisors employed by Starbucks Corporation at 400 Park Ave, Winter Park, Florida 32789 (Store #8343).

**Excluded:** All Store Managers, office clerical employees, professional employees, guards, and supervisors as defined by the Act.

**Others permitted to vote:** The parties agree that employees in the title of Assistant Store Manager may vote in the election but subject to challenge because their eligibility has not been resolved. No decision has been made regarding whether the individuals in this classification are included in, or excluded from, the bargaining unit. The eligibility or inclusion of these individuals will be resolved, if necessary, following the election.

Those eligible to vote in the election are employees in the above unit who were employed during the **payroll period ending May 15, 2022**, including employees who did not work during that period because they were ill, on vacation, or were temporarily laid off. In a mail ballot election, employees are eligible to vote if they are in the above unit on both the payroll period ending date and on the date they mail in their ballots to the Board's designated office.

Employees engaged in any economic strike, who have retained their status as strikers and who have not been permanently replaced are also eligible to vote. In addition, employees engaged in an economic strike which commenced less than 12 months before the election date, who have retained their status as strikers but who have been permanently replaced, as well as their replacements are eligible to vote. Employees who are otherwise eligible but who are in the military services of the United States may vote if they appear in person at the polls or by mail as described above in paragraph 4.

Ineligible to vote are (1) employees who have quit or been discharged for cause after the designated payroll period for eligibility, and, in a mail ballot election, before they mail in their ballots to the Board's designated office, (2) employees engaged in a strike who have been discharged for cause since the commencement thereof and who have not been rehired or reinstated before the election date, and (3) employees engaged in an economic strike which began more than 12 months before the election date who have been permanently replaced.

**6. VOTER LIST.** Within 2 business days after the Regional Director has approved this Agreement, the Employer must provide to the Regional Director and all of the other parties a voter list of the full names, work locations, shifts, job classifications, and contact information (including home addresses, available personal email addresses, and available personal home and cellular telephone numbers) of all eligible voters. The Employer must also include, in a separate section of that list, the same information for those individuals whom the parties have agreed should be permitted to vote subject to challenge. The list must be filed in common, everyday electronic file formats that can be searched. Unless otherwise agreed to by the parties, the list must be provided in a table in a Microsoft Word file (.doc or docx) or a file that is compatible with Microsoft Word (.doc or docx). The first column of the list must begin with each employee's last name and the list must be alphabetized (overall or by department) by last name. The font size of the list must be the equivalent of Times New Roman 10 or larger. That font does not need to be used but the font must be that size or larger. When feasible, the list must be filed electronically with the Regional Director and served electronically on the parties. The Employer must file with the Regional Director a certificate of service of the list on all parties.

**7. THE BALLOT.** The Regional Director, in his or her discretion, will decide the language(s) to be used on the election ballot. All parties should notify the Region as soon as possible of the need to have the Notice of Election and/or ballots translated.

The question on the ballot will be "Do you wish to be represented for purposes of collective bargaining by Workers United, Southern Regional Joint Board a/w Service Employees International Union?" The choices on the ballot will be "Yes" or "No".

**8. NOTICE OF ELECTION.** The Regional Director, in his or her discretion, will decide the language(s) to be used on the Notice of Election. The Employer must post copies of the Notice of Election in conspicuous places, including all places where notices to employees in the unit are customarily posted, at least three (3) full working days prior to 12:01 a.m. of the day the ballots are mailed to employees. The Employer must also distribute the Notice of Election electronically, if the Employer customarily communicates with employees in the unit electronically. Failure to post or distribute the Notice of Election as required shall be grounds for setting aside the election whenever proper and timely objections are filed.

**9. NOTICE OF ELECTION ONSITE REPRESENTATIVE.** The following individual will serve as the Employer's designated Notice of Election onsite representative: Ila Hiyama-Eagan, District Manager; Phone: (407) 663-8321; e-mail: [ihiyama@starbucks.com](mailto:ihiyama@starbucks.com).

**10. ACCOMMODATIONS REQUIRED.** All parties should notify the Region as soon as possible of any voters, potential voters, or other participants in this election who have handicaps falling within the provisions of Section 504 of the Rehabilitation Act of 1973, as amended, and 29 C.F.R. 100.503, and who in order to participate in the election need appropriate auxiliary aids, as defined in 29 C.F.R. 100.503, and request the necessary assistance.

**11. OBSERVERS.** Each party may station an equal number of authorized, nonsupervisory-employee observers at the polling places to assist in the election, to challenge the eligibility of voters, and to verify the tally. Each party may designate an observer or observers to participate in the count, including challenging the eligibility of voters.

**12. TALLY OF BALLOTS.** Upon conclusion of the election, the ballots will be counted and a tally of ballots prepared and immediately made available to the parties.

**13. POSTELECTION AND RUNOFF PROCEDURES.** All procedures after the ballots are counted shall conform with the Board's Rules and Regulations.

#### **14. MANUAL ELECTION SAFETY PROTOCOLS**

##### **A. Before the election commences**

24 to 48 hours before the election starts, the Employer will certify in writing provided to the Board's Regional Office:

- a. That the Employer's place of business is consistently cleaned in conformity with established CDC hygiene and safety standards.
- b. The number of individuals that have been present in the election facility within the preceding 14 days who:
  - have tested positive for COVID-19 within 14 days prior.
  - are awaiting COVID-10 test results.
  - are exhibiting symptoms of COVID-19.
  - have had direct contact with someone who has tested positive for COVID-19 or has been directed by a medical professional to proceed as if they have tested positive despite not being tested.

- c. Presently there are no individuals who have tested positive for COVID-19 that have been present at the Employer's place of business.

The Regional Director has the discretion to reschedule the election if the above certifications are not timely provided or if, in the Regional Director's judgment, the information in the completed certifications suggests that a manual election will be unsafe.

24 to 48 hours before the election starts, each party representative(s) and observer(s) attending the pre-election conference, who serve as an election observer, or participate in the ballot count, must certify in writing that, within 14 days prior to the election:

- a. They have not tested positive for COVID-19 within the prior 14 days
- b. They are not awaiting COVID-19 test results
- c. They have not had direct contact with someone who has tested positive for COVID-19 within 14 days prior to the election.

Individuals who do not provide such certifications will not be permitted to be physically present at the pre-election conference, to serve as an observer, or at ballot count.

An inspection of the polling area will be conducted by electronic means such as video conference via Zoom for Government or Facetime at 10:00 a.m. on **June 13, 2022** so that the Board agent and representatives of all parties may view the polling area and provide additional recommendations. The Board agent will forward electronic invitations for this conference to the party representatives.

## **B. The day of the election**

### *i. Polling area layout*

The election will be held in the dining/seating area of the restaurant/store in an area sufficient to meet CDC safety protocols, including an area of sufficient size to allow a minimum of six feet social distancing between each person participating in the election process.

The Employer certifies that there are not and will not be any security cameras in the polling area or in the vicinity of the polling area. In the alternative, the Employer certifies that if there are security cameras in the polling area or in the vicinity of the polling area, then on the day of the election the cameras will be covered with material, so it is not possible for the cameras to record anything in the polling area when the election is being conducted.

On the day of the scheduled election the Regional Director has full discretion to stop the election before the voting periods are complete if, in his or her judgment after consulting with the assigned Board agent, there arises an impediment to holding the scheduled election safely. If the election is postponed or canceled before the voting period is complete, it will be rescheduled by the Regional Director as set forth in the Stipulated Election Agreement.

Each party may have only one observer. Each party may have only one party representative other than the party's observer at the pre-election conference and at the count. Election observers will be seated a minimum of six feet apart at their table or separate tables. Plexiglass of sufficient size will be installed in order to protect observers from direct contact with voters, and to protect voters from direct contact with observers, and to provide proper social distancing between observers.

The Board agent will have a separate table, which will be placed no less than six feet from the observers. Plexiglass of sufficient size will be installed in order to protect the agent and observers from direct contact with voters and vice-versa. The plexiglass in front of the Board agent will have a slot so the Board agent may hand a ballot to each voter after the voter is checked by the observer(s).

The voting booth(s) and ballot box will be provided by the Region and will be arranged by the Board agent.

Six-foot distancing guidelines between voters, observers and the Board agent will be marked by the Employer with tape on the floor. Voter traffic signage will be posted throughout the election site, as well as reminders that those accessing the designated polling area should wear facemasks, use hand sanitizer, and comply with social distancing guidelines.

At the pre-election conference the Employer will provide the observers with facemasks, hand sanitizer, disinfecting wipes, and gloves, and will also provide those items in sufficient quantity for use by all persons on the voter list, to be placed on a table at or near the entrance to the polling area. The Regional Office will provide the Board agent conducting the election with a face shield, facemask, hand sanitizer, gloves, wipes, and any other safety equipment necessary. The use of facemasks for observers, party representatives and the Board agent during all phases of the election day process in which they participate is mandatory. In addition, the use of facemasks by voters is strongly encouraged.

The Regional Office will provide tape to seal envelopes containing any challenged ballots in the event challenged ballots are necessary for this election.

#### *ii. Voting mechanics*

The observer(s) will each be provided with a copy of the voter list and a color pencil for marking purposes, to avoid the need to share the voter list. The Board agent will have a separate copy of the voter list. These copies of the voter list will be numbered by the Board agent in advance of the election. The voter lists that have been marked by the observer(s) must be given to the Board agent at the end of the polling period and before the count of ballots. The observer(s) may not make or keep any copies of the voter list.

The entrance to and exit from the polling area will be separate and properly identified. Voters shall enter the polling area one at a time and hand sanitizer will be available upon entry. The Employer will provide at least four (4) tables, disposable pencils, and a trash can for voters to discard used wipes and pencils upon leaving the voting area.

To ensure social distancing only one voter will approach the observer's table at a time, and only one voter will approach the Board agent at a time.

#### *iii. Counting of Ballots*

Individuals who are not a party, party representative or an observer, must maintain a distance of at least 15 feet away from the Board agent at the pre-election conference and during the counting of the ballots.

Only party representatives and observers may be present during the count, providing the 6-foot social distancing guidelines are followed. Each party representative must bring their own pen to sign/initial the Tally of Ballots or any document deemed necessary by the Board agent.

**C. After the day of the election**

All parties will notify the Regional Director, in writing, within 14 days after the day of the election, if any individuals present at the polling place on the day during the pre-election conference, the voting period, and/or the counting of ballots:

- a. Have tested positive for COVID-19 or have been directed by a medical professional to proceed as if they have tested positive despite not being tested;
- b. Are awaiting results of a COVID-19 test;
- c. Are exhibiting symptoms of COVID-19, including fever, cough, or shortness of breath; and/or
- d. Have had direct contact with someone who has tested positive for COVID-19.

15. The details set forth in this stipulated election agreement do not create precedent, are only applicable to this case and therefore neither Starbucks nor Workers United/SEIU (or any affiliations) will attempt to reference or use this stipulated election agreement in any proceeding other than in Case 12-RC-295000, and no party waives any rights to litigate issues in any other proceeding.

<p style="text-align: center;"><b>Starbucks Corporation</b></p> <hr/> <p style="text-align: center;">(Employer)</p> <p><b>By:</b>      <u>K. Doud</u>      <u>5/23/22</u></p> <p style="text-align: center;">(Signature)      (Date)</p> <p><b>Print</b></p> <p><b>Name:</b>      <u>Kimberly Doud</u></p> <p><b>Recommended:</b>      <u>/s/John W Plympton</u>      <u>5/23/22</u></p> <p style="text-align: center;">John W. Plympton, Field Attorney      (Date)</p>	<p style="text-align: center;"><b>Workers United, Southern Regional Joint Board a/w Service Employees International Union</b></p> <hr/> <p style="text-align: center;">(Petitioner)</p> <p><b>By:</b>      <u>/s/ Michael B. Schoenfeld</u>      <u>5/20/22</u></p> <p style="text-align: center;">(Signature)      (Date)</p> <p><b>Print</b></p> <p><b>Name:</b>      <u>Michael B. Schoenfeld</u></p>
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**Date approved:**      May 23, 2022

/s/ David Cohen

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**Regional Director, Region 12**  
**National Labor Relations Board**

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 12**

**STARBUCKS CORPORATION**

**Employer**

**and**

**Case 12-RC-295000**

**WORKERS UNITED, SOUTHERN REGIONAL  
JOINT BOARD a/w SERVICE EMPLOYEES  
INTERNATIONAL UNION**

**Petitioner**

**ORDER CANCELLING MANUAL ELECTION  
AND RESCHEDULING AS MAIL BALLOT ELECTION**

Pursuant to the Stipulated Election Agreement in the above case, which was executed by the Employer and the Petitioner, and approved by me on May 23, 2022, a manual election was scheduled to be held at the Employer's Store #8343, 400 Park Avenue, Winter Park, Florida tomorrow, June 14, 2022. According to the Centers for Disease Control and Prevention, the Covid-19 Community Transmission Level in Orange County, Florida, which includes Winter Park, is "high," the Covid-19 positivity rate in Orange County has been at or above 20 percent throughout the last 14 days, and the Covid-19 positivity rate in Orange County is currently 25.96 percent.<sup>1</sup> Based on this information and other information related to concerns about the spread of Covid-19 in the Orange County, Florida area, I have determined that it would be unsafe to conduct the manual election scheduled to be held at Store #8343 on June 14, 2022. Having carefully considered this matter, pursuant to the terms of the Stipulated Election Agreement:

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<sup>1</sup> [https://covid.cdc.gov/covid-data-tracker/#county-view?list\\_select\\_state=Florida&data-type=CommunityLevels&list\\_select\\_county=12095](https://covid.cdc.gov/covid-data-tracker/#county-view?list_select_state=Florida&data-type=CommunityLevels&list_select_county=12095) (website last viewed on June 13, 2022).

**IT IS ORDERED** that the manual election scheduled to be held at Store #8343 on June 14, 2022, is cancelled; and

**IT IS FURTHER ORDERED** that the election is rescheduled and shall be conducted by mail ballot as set forth in the Revised Notice of Election that is being forwarded to the Employer and Petitioner.

The Employer should immediately remove the Notices of Election that were previously posted and post this Order in their place, and timely post the revised Notices of Election.

Dated: June 13, 2022.

A handwritten signature in cursive script that reads "David Cohen". The signature is written in dark ink and is positioned above a horizontal line.

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David Cohen, Regional Director  
National Labor Relations Board, Region 12  
201 E. Kennedy Blvd., Suite 530  
Tampa, FL 33602-5824